

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DTR ADVERTISING, INC.,)
Plaintiff,)
v.)
iCAN BENEFIT GROUP,)
Defendant.)

)

) CIVIL ACTION
NO. 13-11702-JLT

ORDER

April 2, 2014

Hennessy, M.J.

On March 31, 2014, in accordance with the Order of Reference dated February 6, 2014 (Docket #24), the undersigned presided over an alternative dispute resolution hearing in the instant case. The parties agreed that the exchange of certain documents was necessary prior to further mediation. Therefore, I hereby continue the mediation to **May 22, 2014 at 10:00 a.m.** in Boston, Courtroom 16. In advance of that date, the parties shall comply with the following directives, to which they agreed at the alternative dispute resolution hearing:

1. By **April 7, 2014**, the parties shall exchange letters indicating which documents they will make available to the opposing side. Such documents are contemplated to relate to the original arrangement between the parties, the arrangement when the parties resumed business in 2011, and any changes to those arrangements. Each party may also identify in such letters any documents in the possession of the opposing party that it believes will assist in illuminating the original and subsequent arrangements for compensation.
2. By **April 21, 2014**, the parties will produce these documents.
3. By **April 28, 2014**, the parties shall request from the opposing side any supplementation to the documents that have already been produced.
4. By **May 7, 2014**, the parties shall produce the supplemental documents.

5. By **May 19, 2014**, each party shall provide the court under seal a supplement to their confidential settlement memorandum (marked “Confidential – Not for Docketing”) of no more than four pages, addressing with candor the following points:
 - a. A brief analysis of the key issues involved in the litigation, including a specific breakdown of the claimed damages.
 - b. A description of the strongest and weakest legal and factual points in the party’s case.
 - c. A description of the strongest and weakest legal and factual points in the opponent’s case.
 - d. The status of settlement negotiations, including the last settlement proposal made by each side.
 - e. The settlement proposal that the party believes would be fair.
 - f. The settlement proposal that the party would be willing to make in order to conclude the matter at this time.

Each memorandum shall be sealed, held in confidence by the court, and returned to the party at the conclusion of the mediation. The memoranda shall be sent to Lisa Belpedio, Deputy Clerk, Clerk’s Office, United States District Court, 595 Main Street, Worcester, Massachusetts 01608, or preferably, e-mailed to lisa_belpedio@mad.uscourts.gov.

The documents exchanged pursuant to this order shall be subject to the confidential agreement to be entered between the parties. Further, such documents are discoverable, but production of documents in connection with this mediation shall not constitute a waiver of any privilege a party may invoke as to any such documents.

/S/ David H. Hennessy
David H. Hennessy
UNITED STATES MAGISTRATE JUDGE